IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR.

S.B. CIVIL WRIT PETITION NO.3822/2002

Lilawati vs. State of Raj. and ors.

Date : 6.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Vijay Chahar, for the petitioner.

Mr. Shyam Ladrecha, Dy.GA.) for the respondents.

Mr. Kailash Khatri)

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Heard learned counsel for the parties.

The petitioner is aggrieved against the order dated 5.8.2002 by which the petitioner’s patta issued by the Gram Panchayat, Goluwala Niwadan on 10.10.1998 was cancelled by the Additional Collector, Hanumangarh after holding that the plot was given to the petitioner on a public chowk which is being used for religious festival.

Learned counsel for the petitioner submits that the land which was said to be public chowk is not public chowk and further submits that some of the persons were also given pattas of the land situated in the nearby area but only the petitioner's plot was cancelled.

I have perused the facts of the case and the reasons given by the Additional Collector, Hanumangarh in its order dated 5.8.2002.

It is clear from the averments recorded by the Additional Collector that it was never the case of the petitioner that the petitioner was only the person against whom revision has been filed for cancellation of the patta and it was also not the case of the petitioner that other persons were also allotted land in the same chowk. So far as the question whether the land in question is falling in the public chowk cannot be interfered into by this Court. However, it is not in dispute that just 30 feet away from the said plot, there is a temple and the authority below held that if the land will be given to the petitioner, then it will not be in the interest of public.

I do not find any illegality committed in the order impugned so as to interfere in the same while exercising the writ jurisdiction.

In view of the above, this writ petition having no force is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya